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of the words " unless such children or descendants are Hindus at the time when the succession opens " do not in any way meet the objection pointed out by Sri S. Varadachariar. There is no question of reconversion in the case of persons born of converts from Hinduism. At the time of their birth, they are governed by the religion of their parents, that is the religion to which their parents converted themselves. If such offsprings were to adopt Hinduism, it is a case of conversion and not reconversion of Hinduism. The legal concept underlying the principle of disqualification on account of conversion is that the convert becomes civilly dead from the moment of conversion and the children born to such a person are incompetent, in any conception whatsoever, to restore the old relationship so as to claim right of succession by their conversion to Hinduism. In other words, the children of the convert from Hinduism cannot acquire any right of succession to Hindus by their mere conversion to Hinduism. Their status to succeed should necessarily depend upon the status of their parents, for it is only through the parents they can claim the right of succession. This Government therefore recommended the omission of the words " unless such children or descendants are Hindus at the time when the succession opens " as pointed out by Sri S. Varadachariar.

APPENDIX VI.

[Vide item IV on page 331 supra.]

COMPOSITION OF THE COMMITTEE ON SUBORDINATE
LEGISLATION.

(Constituted on the 14th February 1955.)

CHAIRMAN :

Sri S. S. KOLKEBAIL.

MEMBERS :

Sri T. GANAPATHY.

Sri V. GOPALA GOUNDER.

Sri K. C. GOPALAN UNNI.

Sri M. JAGANNATHAN.

Sri P. S. KRISHNASWAMY AYYANGAR.

Sri K. P. KUTTIKRISHNAN NAIR.

Sri K. RAJARAM.

Sri K. M. SEETHI SAHIB.

Sri C. SUBRAMANIAM, Minister for Finance.

SECRETARIAT :

Sri T. HANUMANTHAPPA—*Secretary*.Sri G. M. ALAGARSWAMY—*Assistant Secretary*.

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PART I—REPORT.

FIRST REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION.

INTRODUCTION.

1. I, the Chairman of the Committee on Subordinate Legislation, having been authorized by the Committee to submit the report on their behalf present this, the First Report of the Committee.

2. The Committee on Subordinate Legislation is one of the newly constituted Committees in accordance with Rule 195 of the Madras Assembly Rules which were framed under clause (1) of Article 208 of the Constitution. These rules came into force on the 15th December 1954, and this Committee was nominated by the Hon. the Speaker on the 14th February 1955.

FUNCTIONS OF THE COMMITTEE.

3. The functions of the Committee are to scrutinize and report to the House whether the powers delegated by the Legislature have been properly exercised within the framework of the Statutes delegating such powers. The Committee have, in particular, to consider—

(i) whether it is in accord with the general objects of the Act pursuant to which it is made;

(ii) whether it contains matter which in the opinion of the Committee should more properly be dealt with in an Act of the Assembly;

(iii) whether it imposes taxation;

(iv) whether it directly or indirectly bars the jurisdiction of the court;

(v) whether it gives retrospective effect to any of the provisions in respect of which the Act does not expressly give any such power;

(vi) whether it involves expenditure from the Consolidated Fund or the Public Revenues;

(vii) whether it appears to make some unusual or unexpected use of the powers conferred by the Act pursuant to which it is made;

(viii) whether there appears to have been unjustifiable delay in the publication or laying of it before the Legislature; and

(ix) whether for any reason its form or purport calls for any elucidation.

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SITTINGS OF THE COMMITTEE.

4. The Committee held four sittings from the date of its constitution to the date of this report. The first sitting of the Committee was held on 28th March 1955, when Sri J. Sivashannugam Pillai, the then Speaker of the Madras Legislative Assembly, inaugurated the Committee with a short speech wherein he explained the role of the committee on Subordinate Legislation in a Parliamentary Democracy and the lines on which the Committee should proceed with its work. Then the Committee had a general discussion about the scope and functions and the procedure that should be adopted for examining the rules, etc., issued by the authorities to whom the power to make such rules has been delegated, under the various enactments. The Committee being a new one, constituted very recently, decided to examine only the rules placed on the table of the House from 1st April 1954. The Committee have accordingly considered the rules and notifications mentioned in Appendix A.

ABSENCE OF PROVISIONS IN ACTS DELEGATING LEGISLATIVE POWERS FOR THE LAYING OF RULES ON THE TABLE OF THE HOUSE.

5. The Committee found that there were several Madras Acts wherein powers had been delegated to various subordinate authorities to make rules but those Acts did not contain any provision for placing the rules on the table of the House. In the absence of such a provision, the House has no opportunity to take notice of such rules and rectify them, if the powers had been exceeded. The Committee considered this aspect and decided that they should also have power to scrutinize all the rules framed since 1st April 1954 but not placed before the House and submit a report to the House. The Committee therefore decided that instructions should be issued to the Departments of the Secretariat requesting them to send to the Legislature Secretariat copies of all such rules as soon as they are framed.

SUGGESTIONS FOR AMENDING THE RULES OF PROCEDURE OF THE ASSEMBLY.

6. While Rule 195 of the Assembly Rules provides that the Committee may scrutinize and report to the House whether the powers delegated by the Legislature have been properly exercised within the framework of the statute delegating such powers, Rule 202 limits the Committee's powers of scrutiny to regulations, rules, sub-rules, by-laws, etc., framed in pursuance of the delegation and '*Laid before the House*'. The Committee, therefore, recommend that Rule 202 may be suitably amended so as to bring all the regulations, rules, sub-rules, by-laws, etc., framed in pursuance of such delegation within the purview of the Committee's scrutiny, irrespective of the fact whether there is, or, is not, a provision in the Act to place such rules, regulations, sub-rules, by-laws, etc., before the

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House. The Committee, therefore, decided that instructions should be issued to the Departments of the Secretariat requesting them to send to the Legislature Secretariat copies of all regulations, rules, sub-rules, by-laws, etc., framed since 1st April 1954 in pursuance of any delegation so that the committee could scrutinize them.

7. While scrutinizing the amendments to rules under the Motor Vehicles Act a question was raised whether the Committee was competent to examine such rules as such rules were framed in pursuance of an Act of the Central Legislature and not in pursuance of an Act of the State Legislature.

8. Further, other rules, such as regulations made under proviso to clause 3 of Article 320 of the Constitution relating to the services and posts, wherein it will not be necessary for a Public Service Commission to be consulted, are also laid before the House. Under the existing rules the Committee is not competent to scrutinize such regulations, as they are not issued in pursuance of any delegation by the State Legislature. But all the same the Committee feel that the scrutiny of such rules, regulations, etc., is desirable. The Committee, therefore, recommend that Rules 195 and 202 of the Assembly Rules should be amended so as to include such rules and regulations also within the scope of the scrutiny of the Committee and the House.

EFFECT OF NOT PLACING RULES ON THE TABLE OF THE HOUSE.

9. In a recent judgment, the Madras High Court has held that the provision to place rules framed under section 133 of the Motor Vehicles Act before the State Legislature is only directory and the non-compliance with such a provision would not make the rules *void and inoperative*. The Committee after considering the situation arising out of the judgment, however, feel that no specific recommendation regarding the inclusion of a penalty clause in the Acts need be made, as the Executive will hereafter place all the rules on the table of the House without fail.

UNIFORMITY IN THE PROVISIONS OF ACTS DELEGATING LEGISLATIVE POWERS.

10. The Committee note that the provisions of the Acts delegating legislative powers are not uniform. The following types of provisions exist in the Acts of this State, viz. :—

(a) The State Government may make rules to carry out the purpose of this Act.

[The Madras Indebted Agriculturists (Temporary Relief) Act, 1954.]

(b) The State Government may, by notification in the *Fort St. George Gazette*, make rules for purpose of carrying into effect the provisions of this Act.

(The Madras Contingency Fund Act, 1954.)

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(c) . . . if any difficulty arises in giving effect to the provision of this Act, the State Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

[The Madras Slum Improvement (Acquisition of Land) Act, 1954.]

(d) . . . All rules made under this section shall be published in the *Fort St. George Gazette* and upon such publication shall have the effect as if enacted in this Act.

[The Madras Land Revenue (Surcharge) Act, 1954.]

(e) All rules made by the State Government . . . shall, as soon as possible after they are made, be laid on the table of the House of the Legislature.

(The Madras Dramatic Performances Act, 1954.)

(f) All notifications and orders made under this Act shall, as soon as possible after they are made, be placed on the table of the Legislative Assembly . . . and shall be subject to such modifications and alterations whether by way of repeal or amendment as the Legislative Assembly may make during the session in which they are so laid.

(The Bhavanisagar Township Act, 1954.)

The Committee considered these and decided to recommend that in all future legislation the form specified below may be followed :—

“ All rules, notifications and orders made under this Act shall, as soon as possible after they are made, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications and alterations whether by way of repeal or amendment as the Legislative Assembly may make during the session in which they are so laid.”

MODE OF PRINTING AMENDMENTS TO RULES.

11. After publication of rules there are occasions when such rules are amended. Whenever such rules are amended only the amendments are placed on the table of the House but not with the respective original rule. To enable the members to understand the significance of the amendments, the respective original rule should also be placed on the table. The Committee, therefore, recommend that, whenever a rule is amended and when the amendment of the rule is placed on the table of the House, the respective original rule and the rule as amended should be printed side by side and placed as annexure as is being done in the case of amending Bills.

BILLS CONTAINING PROPOSALS FOR DELEGATION OF LEGISLATIVE POWERS.

12. Rule 89 of the Assembly Rules provides that a Bill involving proposals for the delegation of power shall be accompanied by a memorandum explaining such proposals and drawing attention to

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their scope. In practice it was found that the explanatory memorandum was not annexed to the Bill but received separately after some time. The Committee recommend that in future such a memorandum should be printed along with the Bill itself as in the Lok Sabha.

NUMBERING OF RULES AND AMENDMENTS TO RULES SERIALLY.

13. The Committee find that in the Union Government whenever rules are framed or amendments issued to such rules they are serially numbered before their publication in the Official Gazette. Such practice is not in vogue in our State. For purposes of easy reference and to facilitate scrutiny, the Committee feel that such numbering, before publication in the Official Gazette is absolutely necessary. Therefore, the Committee recommend that hereafter all rules framed or amendments issued should be serially numbered and published in the Official Gazette. The Committee further recommend that whenever rules or amendments to rules are sent to the Controller of Stationery and Printing, for publication in the Official Gazette, a copy of such rules or amendments, as the case may be, should be sent simultaneously to the Legislature Secretariat.

SCRUTINY OF RULES—DELAY IN LAYING THE RULES ON THE TABLE.

14. The Committee examined rules and sub-rules placed on the table since 1st April 1954, mentioned in appendix A. In majority of the cases, the Committee noted that there was much delay in placing the rules published on the table of the House. In some cases, the delay was more than three months—vide appendix B. The Committee, therefore, decided that if such rules are not placed within a month of their publication, the delay should be considered as unjustifiable.

ANOMALIES IN RULES FRAMED WITH RETROSPECTIVE EFFECT.

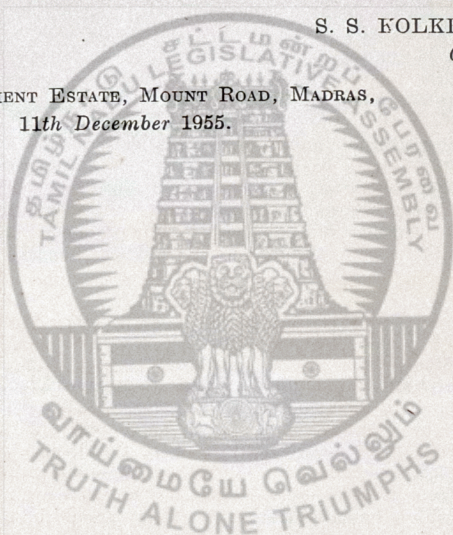
15. While considering the rules framed under the Madras Land Revenue (Surcharge) Act, 1954, the Committee noted that the rules were issued on 6th September 1954 giving them retrospective effect from 1st July 1954 and under sub-rule (3) of Rule 3 every landholder, who is liable to pay a land revenue of a sum exceeding Rs. 500 for a fasli in respect of all lands held by him in the State should submit the return to the authority concerned in the prescribed form within one month of the beginning of each fasli and failure to submit such return is made punishable under Rule 9 with a fine which may extend to Rs. 500. The Committee noted that the time prescribed for the submission of returns, viz., 31st July 1954, had already expired before the rules themselves were published (6th September 1954). This anomaly was, no doubt,

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rectified by a subsequent amendment to rule 3 (3) which was published on 19th January 1955 extending the time fixed for submitting the returns for fasli 1364 till 31st January 1955. The Committee wish to emphasize that, in future, care should be taken by the departments concerned that whenever rules were given retrospective effect, the dates prescribed therein should be so fixed as to enable the persons concerned to comply with them and that they are not penalized or put to unnecessary trouble for no fault of theirs.

S. S. KOLKEBAIL,
Chairman.

GOVERNMENT ESTATE, MOUNT ROAD, MADRAS,
11th December 1955.



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MINUTES.

FIRST MEETING.

Monday, the 28th March 1955.

The Committee on Subordinate Legislation constituted by the Madras Legislative Assembly on the 14th February 1955 held its first meeting in the Chamber of the Hon. the Speaker, Government Estate, Mount Road, at 4-30 p.m.

PRESENT :

Sri S. S. KOLKEBAIL (*Chairman*).

Members.

Sri K. C. GOPALAN UNNI.

Sri P. S. KRISHNASWAMY AYYANGAR.

Sri K. P. KUTTIKRISHNAN NAIR.

Sri K. M. SEETHI SAHIB.

The Secretary to the State Legislature was also present.

The Hon. the Speaker of the Legislative Assembly, Sri J. Sivasanmugam Pillai, inaugurating the Committee said that the conception and powers of the Government in the last century were more or less like that of a police State. Now the Socialistic ideas have entered into the minds of the people and the Governments, not only in this country, but elsewhere also, have begun to exercise greater control over the society as a whole and in the nature of things it was not possible for the Legislatures to legislate on all matters. It became therefore necessary to delegate certain powers to the Government. This delegation went on to such an extent that almost unlimited powers were taken by the executive under the rule making powers with the result that the Government became almost a modern despotism. So the question of delegation of powers came to be considered elsewhere and in this country also, with a view to restrain the executive from overstepping its limits. Recently this question was discussed at the conference of Presiding Officers also. Though certain conclusions were arrived at in respect of this matter they had necessarily to remain nebulous till the ideas about the Government and their functions took definite shape.

Referring to the scope and function of the Committee the Hon. the Speaker said that following the practice in English Parliament they had delegated powers to the Government to frame rules under legislations passed by the Legislature. It was the duty of this Committee to scrutinize such rules and to see that the powers delegated by the Legislature to the Government were properly used and were within the boundary drawn by the Legislature. If Government had gone beyond the limits set by the Legislature in

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any matter, the Committee would bring such cases to the notice of the Legislature. He, however, pointed out that the Committee would have no jurisdiction over the administrative orders passed by the Government. They could scrutinize only rules framed in pursuance of any legislation passed by the Legislature. Wishing the Committee all success in its work, he said that Madras had been the pioneer in many matters and hoped that the Committee would also work in such a manner as to become the pioneer to other Legislatures in India in this matter also.

The Secretary to the State Legislature then explained how the Committee on Subordinate Legislation of the Lok Sabha functioned. He said, the office examined the rules, prepared notes and put them up before the Committee. The Members of the Committee examined the rules with reference to the notes put up by the department and offered their remarks. The Committee even called witnesses, including Secretaries to Government, if necessary, and recorded their findings. These were incorporated finally in the form of a report and placed before the Lok Sabha. This report was then communicated to the departments concerned.

Sri P. S. Krishnaswamy Ayyangar suggested that an experienced parliamentarian might be requested to address the Committee on the scope and functions of such a committee before they started on their work. The Hon. the Speaker informed the Member that there was sufficient literature on the subject and if only the member went through it, that would be sufficient to enlighten him on the scope and functions of the Committee.

The Chairman pointed out that in certain legislations Government took powers to make rules but did not make a provision in the Act itself for placing such rules on the table of the House. Rules framed under such an Act were therefore not placed on the table of the House and the Legislature had no opportunity to scrutinize such rules. He wanted that such rules should also be placed on the table of the House and the Committee should scrutinize them. The Hon. the Speaker pointed out that to get over such difficulties, in England the Parliament had passed the law called the Statutory Instruments Act which made it obligatory on the part of the Government to place all rules framed by Government in pursuance of Acts passed by Parliament whether express provision in this regard was contained in the particular Act or not. The Committee might suggest the passing of similar legislation here also. On request made by Sri P. S. Krishnaswamy Ayyangar and Sri K. P. Kuttikrishnan Nair, the Chairman said he would circulate to members copy of the Statutory Instruments Act of England.

The Committee then considered the question whether they should scrutinize all rules framed by the Government as and from May 1952 when the new Assembly came into existence or confine its examination to rules framed from the date of the constitution of the Committee. After some discussion the Committee decided

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to examine all rules placed on the table of the House since 1st April 1954 and also rules which were framed and not placed before the House from that date.

The Committee also decided to recommend to Government to bring in legislation containing provisions in line with the Statutory Instruments Act of England ensuring the placing before the Legislature of all rules framed by the Government in pursuance of the Acts passed by the Legislature, since rules framed by Government in pursuance of certain Act have not been placed before the House.

In respect of staff required to assist the Committee in its work, the Chairman said that the present staff was inadequate and considering the technical and special nature of the work to be done by the Committee, he suggested that Government might be requested to sanction additional staff, for attending to the Committee's work. The Committee agreed to the suggestion of the Chairman and decided to request the Government to sanction necessary staff to attend to this additional work.

In respect of issue of rules by the Government, the Secretary referred to the practice obtaining in Lok Sabha and said that the Rules were serially numbered by the Press to facilitate scrutiny. He suggested that that procedure might be adopted here also. The Committee therefore decided that Government might be requested to follow the procedure adopted in Lok Sabha in the matter of printing rules issued under various Acts passed by this Legislature, namely, that rules framed in pursuance of the Acts passed by the Legislature when published should be numbered by the Press serially and then placed on the table of the House.

The Committee then adjourned to meet again on the 13th June 1955.

SECOND MEETING.

Friday, the 1st July 1955.

The Committee met from 11 a.m. to 12-10 p.m. in the Committee Room, Government Estate, Mount Road, Madras.

PRESENT :

Sri S. S. KOLKEBAIL (*Chairman*).

Members.

Sri T. GANAPATHY.

Sri V. GOPALA GOUNDER.

Sri K. C. GOPALAN UNNI.

Sri M. JAGANNATHAN.

Sri P. S. KRISHNASWAMY AYYANGAR.

Sri K. P. KUTTIKRISHNAN NAIR.

Sri K. RAJARAM.

Sri K. M. SEETHI SAHIB.

Sri C. SUBRAMANIAM, Minister for Finance.

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*Secretariat.*Sri T. HANUMANTHAPPA—*Secretary.*Sri A. MANICKAVELU—*Assistant Secretary.*

At the outset, the Chairman referred to the note circulated to the members of the Committee by the Legislature Secretariat on the powers of the Committee to scrutinize certain "rules and regulations" framed and placed on the table of the House, in pursuance of the powers delegated to the State Government by the Parliament and by the Constitution and pointed out that Rule 202 of the Madras Assembly Rules did not provide for bringing the above rules and regulations within the purview of the Committee and therefore required to be amended.

2. Sri C. Subramaniam pointed out that with reference to rules framed under certain sections of the Motor Vehicles Act, 1939 (Central Act IV of 1939), the Government did not derive authority from the State Legislature to frame those rules. It was in pursuance of authority derived by virtue of a parliamentary enactment that those rules were framed. Therefore, this Committee had no power to examine whether the Government had exceed their powers or not and if at all it must be the concern of the Committee on Subordinate Legislation appointed by the Parliament.

3. Sri K. C. Gopalan Unni suggested that a recommendation might be made to the Hon. the Speaker regarding the desirability of amending Rule 202 of the Madras Assembly Rules so as to bring in rules framed in pursuance of Central enactment [like the Motor Vehicles Act, 1939 (Central Act IV of 1939)] within the purview of the Committee.

4. The Committee decided that the question whether it could scrutinize the rules framed under a Central enactment should be examined and then if necessary steps might be taken to amend the Assembly Rules (Rule 202).

5. The Chairman drew the attention of the Committee to clauses (3) and (5) of Article 320 of the Constitution which provided that all regulations made under the proviso to clause (3) by the Governor should be laid for not less than fourteen days before the Legislature of the State, and pointed out that a doubt had arisen whether the Committee was empowered to examine the abovesaid regulations.

6. Sri C. Subramaniam pointed out that where the Legislature had delegated certain powers to the Government under any enactment, to frame rules, the Committee had powers to scrutinize whether the Government had gone beyond the powers delegated to them and that only to that extent the Committee could function. He did not think it was proper for the Committee to go into the regulations framed by the State Government in pursuance

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of the powers conferred by the Constitution, because it was a power given by the Constitution to the Government and not by any legislative enactment.

7. At this stage the Secretary referred to Rule 264 of the Lok Sabha Rules which reads as follows :—

“ There shall be a Committee on Subordinate Legislation to scrutinize and report to the House whether the powers to make regulations, rules, sub-rules, by-laws, etc., conferred by the Constitution or delegated by Parliament are being properly exercised within such delegation.”

8. The Committee decided to recommend that Rule 202 of the Assembly Rules may be amended suitably so as to include regulations, etc., framed under the powers vested in the Government by the Constitution.

9. It was pointed out that in the case of certain enactments there was no provision made for laying the rules framed by the Government under those enactments on the table of the House.

10. The Committee decided that all rules framed by the Government, even though there might be no provision for laying them on the table of the House under a particular enactment might be scrutinized by the Committee.

11. The Committee was of the view that a uniform procedure should be followed in respect of laying rules on the table of the House and recommended that all rules should be sent to the Legislature Secretariat within a month after their publication in the *Fort St. George Gazette*.

12. The Chairman stated that the memorandum prepared by the Legislature Secretariat on rules should also contain sufficient information and guidance as to whether the Government exceeded their powers in framing the rules under the various enactments and Sri C. Subramaniam endorsed that view and suggested that hereafter the Legislature Secretariat shall give sufficient information and guidance in the note.

13. The Legislature Secretariat was requested to indent for sufficient number of copies of the first Report of the Committee on Subordinate Legislation constituted by the Parliament to be made available to the members of the Committee.

14. The Committee then took up for consideration the various rules, with the memoranda prepared by the Legislature Secretariat thereon.

15. *Memorandum No. 1 re The Malabar Tenancy (Summary Trials) Rules, 1954 (G.O. No. 677, Revenue, 23rd March 1954).*— No modification was recommended.

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16. *Memorandum No. 2 re The Malabar Tenancy (Determination of Fair Rent) Rules, 1954 (G.O. No. 731, Revenue, 26th March 1954).*—Sri K. M. Seethi Sahib enquired whether members were at liberty to make any suggestions to the rules.

Sri C. Subramaniam said that he would welcome useful suggestions, both from the Legislature Secretariat and members of the Committee which might be sent in the form of a note, so that they could be examined by the Departments concerned.

Sri K. M. Seethi Sahib said that Rule 8 did not give much guidance with regard to the procedure to be followed with reference to presentation of Appeals. Sri K. P. Kuttikrishnan Nair drew the attention of the member to section of the Act.

No modification was recommended.

17. *Memorandum No. 3 re The Malabar Tenancy Rules, 1954 (G.O. No. 756, Revenue, 30th March 1954).*—No modification was recommended.

18. *Memorandum No. 4 re Levy of enhanced water-cess in Walayar Reservoir Project areas (G.O. No. 2905, Revenue, 13th October 1953).*—Sri V. Gopala Gounder pointed out that in this case there was a delay of more than three months in sending the notification to this Department after its publication in the *Fort St. George Gazette* and that the Committee should pass a resolution condoning the delay.

Sri C. Subramaniam said that now that a time-limit had been fixed, this aspect of the question need not be gone into.

Sri K. C. Gopalan Unni enquired whether the rates mentioned in the rules could be changed as they seemed to be very high.

Sri C. Subramaniam said that the Assembly had given powers to the Government to fix the rates and they had fixed them accordingly and that the Committee could not go into the question of the modification of the rates. If the rates were not fair, it was up to the Assembly to modify them.

No modification was recommended.

19. *Memorandum No. 5 re Amendments to Madras Motor Vehicles (Taxation of Passengers and Goods) Rules, 1953 (G.O. Ms. No. 747, Home, 22nd March 1954).*—No modification was recommended.

The Committee recommended that whenever a rule was amended and when the amended rule was placed on the table of the House, the original rule also should be placed as an Annexure.

20. *Memoranda Nos. 6 to 11 re Amendments to Motor Vehicles Rules. 1939.*—Consideration was postponed.

21. *Memorandum No. 12 re. Rules framed under the Tanjore Tenants and Pannaiyal Protection Act, 1952 (G.O. Ms. No. 901, Revenue, 8th April 1954), Memorandum No. 13 re Amendment*

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to the Tanjore Tenants and Pannaigal Protection Act, 1952, as ~~extended~~ to certain areas in Chidambaram and Cuddalore taluks in South Arcot district (G.O. Ms. No. 1015, Revenue, 23rd April 1954), Memorandum No. 14 re Madras Motor Vehicles (Taxation of Passengers and Goods) Rules, 1954 (G.O. Ms. No. 207, Home, 28th January 1954) and Memorandum No. 15 re Exemptions made under section 11 (1) of the Madras Motor Vehicles Taxation Act, 1931.—No modification was recommended.

22. The Committee recommended to depute the Chairman to Delhi to attend the next meeting of the Parliamentary Committee on Subordinate Legislation.

The Committee then adjourned *sine die*.

THIRD MEETING.

Saturday, the 10th December 1955.

The Committee met from 11 a.m. to 12-15 p.m. in the Committee Room, Government Estate, Mount Road, Madras.

PRESENT :

Sri S. S. KOLKEBAIL (*Chairman*).

Members.

Sri T. GANAPATHY.

Sri V. GOPALA GOUNDER.

Sri K. C. GOPALAN UNNI.

Sri M. JAGANNATHAN.

Sri P. S. KRISHNASWAMY AYYANGAR.

Sri K. RAJARAM.

Sri C. SUBRAMANIAM, Minister for Finance.

Secretariat.

Sri T. HANUMANTHAPPA—*Secretary*.

Sri G. M. ALAGARSWAMY—*Assistant Secretary*.

Item 1.—The Secretary at the outset pointed out that the Advocate-General has stated in his opinion that the Committee could take up the consideration of rules framed in pursuance of an Act of Parliament and laid on the table of the Assembly only after the Assembly Rules 202 and 195, were suitably amended.

This was agreed to.

Item 2.—The Secretary stated that different forms were used in the provisions made in the various Act delegating legislative powers and the Committee might consider whether it would not be desirable to adopt uniformity in this regard. In this connexion

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he also drew the attention of the Committee to the recommendations made by the Committee on Subordinate Legislation of the Lok Sabha. It was agreed that there should be uniformity.

The Hon. Sri C. Subramaniam pointed out that it might not be possible to adopt the formula suggested by Lok Sabha Committee but that they might adopt one of the forms suggested by the Legislature Secretariat with a slight modification, namely—

“ All notifications and orders made under this Act shall, as soon as possible after it is made, be placed before both houses of the Legislature, and shall be subject to such modification whether by way of repeal or amendment as the Legislative Assembly may make during the session in which it is so laid.”

The Madras High Court has held that failure to place rules framed in pursuance of delegated Legislation before the Legislature would not make the rules invalid as the requirement to place the rules before the Legislature is only directive and not mandatory and suggested that the Committee might recommend that if rules framed by Government were not placed on the table of the House they might stand annulled.

The Hon. Sri C. Subramaniam pointed out that the rules come into effect soon after they were published and the suggestion if accepted will lead to complications. He said that Executive should be forced to place these rules on the table of the House and lapses on the part of certain officials should not annul the rules and make the law ineffective. He also assured that action would be taken against officers responsible for such lapses.

Sri K. Raja Ram suggested that such lapses could be effectively prevented if a rule was incorporated in the Secretariat Manual to the effect that all rules framed in pursuance of Acts passed by the Legislature should be placed on the table of the House.

The Hon. Sri C. Subramaniam pointed out that there would be no difficulty in passing an order directing all departments to send to the Legislature all rules framed in pursuance of the Acts passed by the Legislature.

The Secretary then pointed out that the Committee at its first meeting had decided to examine all rules framed by Government irrespective of the fact whether there was specific provision in the Act itself that they should be placed on the table of the House or not. Recently the Government framed rules under the Forest Act. The Legal Department stated that these rules need not be laid on the table of the House as there was no specific provision in the Act itself to that effect. There were difficulties for the Committee to know whether rules were framed under a particular Act or not.

The Hon. Sri C. Subramaniam stated that the Committee had full powers to scrutinize all rules framed by Government. On his suggestion it was agreed that the Legislature Secretariat might send

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notices to all departments instructing them to send all rules framed by Government to the Legislature Secretariat irrespective of the fact whether there was a provision in the enactments or not for placing them on the table of the House.

The Secretary pointed out that, in the Lok Sabha, memorandum of delegated legislation is published along with the Bill, explaining the scope of the rules to be framed in pursuance of delegated legislation. Though there is a similar provision in the Assembly Rules (the memorandum is usually sent later on and the Committee might recommend that the procedure followed in the Lok Sabha might be followed here also.

The Hon. Sri C. Subramaniam agreed that this might be done.

Item 3.—Memorandum No. 1 regarding levy of enhanced water-cess in Malabar district.—No modification was recommended.

Memorandum No. 2 regarding amendment to the Madras Commercial Crops Markets Rules, 1948.—The Chairman pointed out that whenever a rule was amended, the old rule should also be given.

The Hon. Sri C. Subramaniam agreed that the Committee might make a recommendation to the effect that the original rule as well as the rule *as amended* pointing out the amendment in italics should be published instead of the amended rule alone.

This was accepted by the Committee.

Memorandum No. 3 regarding amendment to the Madras Commercial Crops Markets Rules, 1948; Memorandum No. 4 regarding amendment to the Madras Commercial Crops Markets Rules, 1948; Memorandum No. 5 regarding amendment to the Madras Commercial Crops Markets Rules, 1948.—No modifications were recommended in respect of these rules.

Memorandum No. 6 regarding Madras Land Revenue (Surcharge) Rules, 1954; Memorandum No. 13 regarding Madras Land Revenue (Surcharge) Rules, 1954.—These were taken up together for consideration.

The Secretary pointed that retrospective effect has been given to certain provisions of the Act. The form itself was prescribed in September 1954 and the landholder could not be expected to submit the declaration in that form in July 1954 itself, failure of which was made an offence.

Sri P. S. Krishnaswami Ayyangar pointed out that the defect in the working of rule 3 has subsequently been rectified and landholders had been given time till 31st January 1955.

The Chairman pointed out that the amendment was published only on 19th January 1955. It was too short a period to expect them to submit the forms by 31st January.

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The Hon. Sri C. Subramaniam stated that under the rules they were bound to submit these forms immediately. The landholders, most of them, would have submitted these subsequently, though not immediately. But strictly according to rules they had committed a breach of the rules. All these late submissions have been regularized by the amended rules. There was no question, therefore, of giving retrospective effect to the provisions of the law under the rules framed by Government.

No modifications were recommended.

Memorandum No. 7 regarding new rule XXXI under Madras Co-operative Societies Act, 1932.—Sri P. S. Krishnaswami Ayyangar pointed out that the wording used in sub-rule (i) (a) seemed to be defective in that it would not be practicable or possible for all the policy holders to be present at the meeting. He suggested that the wording might be suitably amended.

Sri V. Gopala Gounder suggested the omission of the word 'all' in the sub-rule.

The Hon. Sri C. Subramaniam suggested that this defect might be pointed out to the department concerned.

The Secretary pointed out that the sub-rule (iv) required every policy holder who desired to attend the meeting to apply to the society for a certificate of admission. This seemed to be unreasonable.

The Hon. Sri C. Subramaniam stated that this might have been necessitated to restrict admission only to policy holders as otherwise anybody could attend the meeting. It served just as a hall-ticket or identification certificate for an examination.

Sri K. Raja Ram wanted that every policy holder should automatically get his certificate without applying for it.

Sri V. Gopala Gounder and Sri P. S. Krishnaswami Ayyangar endorsed this view and said that the rule amounted to imposing a restriction on the rights of the policy holders.

The Hon. Sri C. Subramaniam suggested that the department concerned might be addressed for necessary clarification in regard to this matter and, if their explanation was not convincing, then the Committee might summon the representatives of the department and examine them for further clarification.

The Committee agreed to the suggestion made by the Hon. Sri C. Subramaniam and postponed consideration of this item till further clarification was obtained from the department concerned.

Memorandum No. 8 regarding amendment to Madras Commercial Crops Market Committees Provident Fund Rules.—The Chairman remarked that the word 'menial' was still being used.

The Hon. Sri C. Subramaniam stated that directions had already been issued that that word should not be used.

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It was decided to suggest to the department concerned to avoid the use of such words in future.

Memorandum No. 9 regarding amendment to rules under Madras Co-operative Societies Act.—The Chairman pointed out that there should be specific provision in the Act itself with regard to payment of travelling allowance and other allowances.

The Hon. Sri C. Subramaniam observed that this was not outside the scope of the Act. Payment of travelling allowance and other allowances was a necessary corollary to a Member being summoned to attend a meeting. If it was considered essential that such a provision should be included in the Act itself, that could be done in future enactments. He added that no amendment to the present rules was necessary.

No modification was recommended.

Memorandum No. 10 regarding amendment to the Malabar Tenancy (Determination of Fair Rent) Rules, 1954; Memorandum No. 11 re Amendment to Madras Motor Vehicles (Taxation of Passengers and Goods) Rules; Memorandum No. 12 re Amendment to Madras Tobacco (Taxation of Sales and Registration) Rules, 1953.—No modifications were recommended in respect of these.

Memorandum No. 14 regarding notifications under Madras Motor Vehicles Taxation Act, 1931.—The Committee agreed to postpone consideration of this item till February next.

Memorandum No. 15 regarding amendment to Malabar Tenancy (Determination of Fair Rent) Rules, 1954.—No modification was recommended.

The Committee then adjourned to meet again at 10-30 a.m. on 11th December 1955 to consider the draft report of the Committee to be submitted to the Legislative Assembly.

FOURTH MEETING.

Sunday, the 11th December 1955.

The Committee met from 10-30 a.m. to 12-30 p.m. in the Committee Room, Government Estate, Mount Road, Madras.

The following were present :—

Chairman.

Sri S. S. KOLKEBAIL.

Members.

Sri K. C. GOPALAN UNNI.

Sri P. S. KRISHNASWAMY AYYANGAR.

Sri K. RAJARAM.

Hon. Sri C. SUBRAMANIAM, Minister for Finance.

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*Secretariat.*Sri T. HANUMANTHAPPA—*Secretary.*Sri G. M. ALAGARSWAMY—*Assistant Secretary.*

The draft report was taken into consideration.

Paragraph 1.—Approved.

Paragraph 2.—Approved.

Paragraph 3.—The Chairman suggested that paragraph 3 might be recast as under :—

The functions of the Committee are to scrutinize and report to the House whether the powers delegated by the Legislature have been properly exercised within the framework of the statutes delegating such powers. The Committee have, in particular, to consider—

(i) whether it is in accord with the general objects of the Act pursuant to which it is made;

(ii) whether it contains matter which in the opinion of the Committee should more properly be dealt with in an Act of the Assembly;

(iii) whether it imposes taxation;

(iv) whether it directly or indirectly bars the jurisdiction of the court;

(v) whether it gives retrospective effect to any of the provisions in respect of which the Act does not expressly give any such power;

(vi) whether it involves expenditure from the Consolidated Fund or the Public Revenues;

(vii) whether it appears to make some unusual or unexpected use of the powers conferred by the Act pursuant to which it is made;

(viii) whether there appears to have been unjustifiable delay in the publication or laying of it before the Legislature; and

(ix) whether for any reason its form or purport calls for any elucidation.

Sri P. S. Krishnaswamy Iyengar suggested that the words “ The Committee have, in particular, to consider ” might be substituted for the words “ The Committee shall, in particular, consider ”.

The Committee approved the proposed changes.

Paragraph 4.—Sri P. S. Krishnaswamy Iyengar suggested that the word “ accordingly ” may be added after the word “ has ” in the last sentence. This change was accepted by the Committee.

The Secretary suggested that the words “ and also the rules framed from that date but not placed before the House ” occurring in the penultimate sentence of the paragraph might be omitted. This was also agreed to by the Committee.

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Paragraph 5.—The Hon. Sri C. Subramaniam suggested that the last portion of the paragraph might be modified on the following lines :—

“ The Committee considered this aspect and decided that it should scrutinize those rules also and submit a report to the House. The departments might be instructed to send a copy of those rules to the Committee.”

The paragraph as redrafted reads as follows :—

“ 5. It was, however, found that there were several Madras Acts wherein powers had been delegated to various subordinate authorities to make rules but those Acts did not contain a provision for placing the rules on the table of the House. In the absence of such a provision, the House had no opportunity to take notice of such rules and also to rectify them, if the powers had been exceeded. The Committee considered this aspect and decided that they should also have power to scrutinize all the rules framed from 1st April 1954 but not placed before the House and submit a report to the House. The Committee therefore suggest that instructions should be issued to the departments of the Secretariat requesting them to send to the Legislature Secretariat copies of all such rules as soon as they are framed.”

Paragraph 6.—Sri P. S. Krishnaswamy Iyengar suggested the following corrections :—

(1) *Substitute* the word “ bring ” for the word “ include ” in line 9 and *delete* the words “ to be included ” in line 10.

(2) *Omit* the words “ or not ” at the end and *insert* the words “ or, is not ” after the word “ is ” in line 11.

(3) Wherever the word “ main ” occurred before the word “ Act ”, it might be omitted.

(4) That the word “ such ” might be substituted by the word “ any ” in the last sentence of the sub-paragraph.

The Chairman wanted that the words “ therefore, decide ” should be substituted in the place of the words “ however, suggest ” in the beginning of the sub-paragraph.

The Secretary suggested that the words “ so that the Committee could scrutinize them ” might be added at the end of the sub-paragraph.

The Committee approved all the above additions and alterations and, subject to these, approved paragraph 6.

Paragraph 7.—The Hon. Sri C. Subramaniam suggested that instead of the negative sentence at the end, viz., “ the executive will not deliberately refrain from ” the following might be substituted :—

“ the executive will hereafter place all the rules on the table of the House without fail.”

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The Committee recast the paragraph as under after incorporating the above suggestions :—

“ In a recent judgment, the Madras High Court has held that the provision to place a rule framed under section 133 of the Motor Vehicles Act before the Legislature was only directory and the non-compliance with such a provision would not make the rules *void and inoperative*. The Committee after considering the situation arising out of the judgment, however, feel that no special provision regarding the inclusion of a penalty clause in the Acts be made as the Executive will hereafter place all the rules on the table of the House without fail.”

Paragraphs 8 and 9.—Sri P. S. Krishnaswamy Iyengar suggested that these two paragraphs might go together. This was approved by the Committee.

Paragraph 10.—The paragraph was renumbered as 9. Sri K. Rajaram Naidu desired to substitute “ After publication of rules ” instead of “ After the rules have been published ” at the beginning of the paragraph. This was agreed to.

The Committee decided to substitute the word “ concerned ” for the word “ original ” in lines 5 and 8 and also the words “ amending Bills ” instead of “ amendments to Bills ” at the end.

Paragraph 11.—The Committee renumbered this paragraph as paragraph 10. At the suggestion of Sri P. S. Krishnaswamy Iyengar, the Committee agreed to make the following changes :—

Omit the words “ legislation of ” in line 2.

Paragraph 12.—The number of the paragraph was altered as 11. The Committee agreed to substitute the following as drafted in the place of the existing paragraph :—

“ The Committee find that in the Union Government whenever rules are framed or amendments issued to such rules they are serially numbered before their publication in the Gazette. Such practice is not in vogue in our State. For purposes of easy reference, the Committee feel that such numbering and publication in the Official Gazette is absolutely necessary. Therefore, the Committee recommend that all rules framed or amendments issued should be serially numbered and published in the Official Gazette.”

Sri K. Rajaram suggested that whenever any rules are published, simultaneously a copy may be sent to the Legislature Secretariat.

The following was agreed to be added at the end of the paragraph for that purpose :—

“ The Committee further recommend that whenever rules or amendment to rules are made, a copy of the same should be sent simultaneously to the Legislature Secretariat when they are sent to Press for publication.”

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Paragraph 13.—This paragraph was renumbered as 12 and agreed to.

Paragraph 14.—The Committee changed the number of the paragraph as 13. Sri P. S. Krishnaswamy Iyengar wanted to insert either the word “ class ” or “ category ” before the word “ rules ” in the last line. The Committee agreed to insert the word “ class ” before the word “ rules ”. The paragraph as amended was approved.

Paragraph 14 (2).—The Committee redrafted the paragraph as follows, after making some minor corrections :—

“ There are other rules also, such as regulations made under proviso to clause 3 of Article 320 of the Constitution relating to the services and posts wherein it will not be necessary for a Public Service Commission to be consulted, laid before the House. The Committee will not be competent to scrutinize such regulations as they are not placed in pursuance of an Act of the State Legislature. But all the same the scrutiny of such rules is desirable. The Committee, therefore, recommended that Rules 195 and 202 of the Assembly Rules should be amended so as to include such regulations also within their scope.”

The Committee decided to omit the last sub-paragraph.

The following was also added as the last paragraph :—

“ While considering the rules framed under the Madras Land Revenue (Surcharge) Act, 1954, the Committee noted that rules were issued on 6th September 1954, giving them retrospective effect from 1st July 1954 and under sub-rule (3) of Rule 3, every landholder who is liable to pay a land revenue of a sum exceeding Rs. 500 for a fasli in respect of all lands held by him in the State shall submit to the Collector of the district in prescribed form within one month of the beginning of each fasli and failure to submit the return is made punishable under Rule 9 with a fine which may extend to Rs. 500.”

The Committee noted that by giving retrospective effect to the rules the time prescribed under Rule 3 (3) had already expired before the rules themselves were published. This anomaly was rectified by a subsequent amendment to sub-rule (3) of Rule 3 published on 19th January 1955 which extended the time for submitting the returns for fasli 1364 till 31st January 1955. The Committee wished to emphasize that, in future, care should be taken by the departments concerned that whenever rules were given retrospective effect, the dates prescribed therein should be so fixed as to enable the persons concerned to comply with them and are not penalised or put to unnecessary trouble for no fault of theirs.

The Chairman pointed out that even the time given in the subsequent notification was not sufficient. The Hon. Sri C. Subramaniam said that the returns would have been submitted

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by the landlords and only for regularizing such returns the amendment would have been issued and that nobody would have been penalised for not submitting the return before the publication of the rules.

APPENDIX A.

(Vide paragraph 4 of the Report.)

LIST OF RULES AND NOTIFICATIONS CONSIDERED BY THE COMMITTEE.

Rules made under—

I. The Malabar Tenancy Act, 1929—

- (1) The Malabar Tenancy (Summary Trials) Rules, 1954 (G.O. No. 677, Revenue, dated 23rd March 1954).
- (2) The Malabar Tenancy (Determination of Fair Rent) Rules, 1954 (G.O. No. 731, Revenue, dated 26th March 1954).
- (3) The Malabar Tenancy Rules, 1954 (G.O. No. 756, Revenue, dated 30th March 1954).
- (4) Amendment to Malabar Tenancy (Determination of Fair Rent) Rules (G.O. Ms. No. 3632, Revenue, dated 25th December 1954).
- (5) Amendment to the Malabar Tenancy (Determination of Fair Rent) Rules, 1954 (G.O. No. 1885, Revenue, dated 16th June 1955).

II. The Malabar Irrigation (Construction and Levy of Cess) Act, 1947—

- (1) Levy of enhanced water-cess in Walayar Reservoir Project Areas (G.O. No. 2905, Revenue, dated 13th October 1953).
- (2) Levy of enhanced water-cess in Malabar district (G.O. Ms. No. 2330, Revenue, dated 19th August 1954).

III. The Madras Motor Vehicles (Taxation of Passengers and Goods) Act, 1952—

Amendments to Madras Motor Vehicles (Taxation of Passengers and Goods) Rules, 1953 [(a) G.O. Ms. No. 747, Home, dated 22nd March 1954; (b) G.O. Ms. No. 207, Home, dated 28th January 1954; (c) G.O. Ms. No. 2980, Home, dated 8th October 1954; and (d) G.O. Ms. No. 3430, Home, dated 22nd November 1954].

IV. The Tanjore Tenants and Pannaiyal Protection Act, 1952—

- (1) Rule made under section 16 (1) of the Tanjore Tenants and Pannaiyal Protection Act, 1952 (G.O. Ms. No. 901, Revenue, dated 8th April 1954).

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(2) Rule made under section 16 (1) of the Tanjore Tenants and Pannaiyal Protection Act, 1952, as extended to certain areas in Chidambaram and Cuddalore taluks in South Arcot district (G.O. Ms. No. 901, Revenue, dated 8th April 1954).

(3) Amendment to rule 16 of the Tanjore Tenants and Pannaiyal Protection Rules, 1952 (G.O. Ms. No. 1015, Revenue, dated 23rd April 1954).

(4) Amendment to rule 16 of the Tanjore Tenants and Pannaiyal Protection Rules, 1953, as extended to certain areas in Chidambaram and Cuddalore taluks in South Arcot district (G.O. Ms. No. 1015, Revenue, dated 23rd April 1954).

V. The Madras Commercial Crops Markets Act, 1933—

(1) Amendments to the Madras Commercial Crops Markets Rules, 1948 [(a) G.O. Ms. No. 677, Agriculture, dated 9th March 1954; (b) G.O. Ms. No. 696, Agriculture, dated 10th March 1954; (c) G.O. Ms. No. 2414, Agriculture, dated 20th July 1954; and (d) G.O. Ms. No. 3036, Agriculture, dated 9th October 1954].

(2) Amendment to Madras Commercial Crops Market Committees Provident Fund Rules (G.O. Ms. No. 3132, Agriculture, dated 19th October 1954).

VI. The Madras Land Revenue (Surcharge) Act, 1954—

(1) The Madras Land Revenue (Surcharge) Rules, 1954 (G.O. No. 2554, Revenue, dated 6th September 1954).

(2) Amendment to Madras Land Revenue (Surcharge) Rules, 1954 (G.O. No. 49, Revenue, dated 8th January 1955).

VII. The Madras Co-operative Societies Act, 1932—

Amendment to rules under Madras Co-operative Societies Act, 1932 (G.O. Ms. No. 75, Industries, Labour and Co-operation, dated 10th January 1955).

VIII. The Madras Tobacco (Taxation of Sales and Registration) Act, 1953—

Amendment to Madras Tobacco (Taxation of Sales and Registration) Rules, 1953 (Memorandum No. 23341-N/54-2, Revenue, dated 17th August 1954).

Notifications issued under the Motor Vehicles Taxation Act, 1931—

(1) G.O. Ms. No. 361, Home, dated 13th February 1954; (2) G.O. Ms. No. 150, Home, dated 20th January 1954; (3) G.O. Ms. No. 217, Home, dated 16th March 1954; (4) G.O. Ms. No. 846, Home, dated 30th March 1954; (5) G.O. Ms. No. 806, Home, dated 26th March 1954; (6) G.O. Ms. No. 1263, Home, dated 3rd May 1954; (7) G.O. Ms. No. 1659, Home, dated 8th June 1954; (8) G.O. Ms. No. 1904, Home, dated 28th June 1954; and (9) G.O. Ms. No. 1734, Home, dated 16th June 1954.

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APPENDIX B.

List of Rules delayed to be placed on the table of the House for more than three months after publication in the Gazette.

<i>Serial number and number of 'order'.</i>	<i>Description of order.</i>	<i>Date of publication in the gazette.</i>	<i>Date of receipt in office.</i>
(1)	(2)	(3)	(4)
1 G.O. No. 2905, Revenue, dated 13th October 1953.	Levy of enhanced water-cess in Walayar Reservoir Project area.	28th October 1953.	8th February 1954.
2 G.O. Ms. No. 1015, Revenue, dated 23rd April 1954.	Amendment to rule 16 of the Tanjore Tenants and Pannaiyal Protection Rules, 1952.	10th February 1954.	9th May 1954.
3 G.O. Ms. No. 677, Agriculture, dated 9th March 1954.	Amendment to the Madras Commercial Crops Markets Rules, 1948.	14th April 1954.	8th October 1954.
4 G.O. Ms. No. 696, Agriculture, dated 10th March 1954.	Do.	31st March 1954.	Do.
5 G.O. Ms. No. 2414, Agriculture, dated 28th July 1954.	Do.	4th August 1954.	Do.
6 Memorandum No. 23341-N/54-2, Revenue, dated 17th August 1954.	Amendment to Madras Tobacco (Taxation of Sales and Registration) Rules, 1953.	1st September 1954.	7th December 1954.

வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS

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SUMMARY OF RECOMMENDATIONS.

1. Rule 202 of the Assembly Rules may suitably be amended so as to bring all regulations, rules, sub-rules, by-laws, etc., framed in pursuance of delegation of legislative powers within the purview of the Committee's scrutiny irrespective of the fact whether there is, or, is not, a provision in the Act to place such rules, regulations, sub-rules, by-laws, etc., before the House (paragraph 6).

2. Instructions should be issued to the department of the Secretariat requesting them to send to the Legislature Secretariat copies of all regulations, rules, sub-rules, by-laws, etc., framed since 1st April 1954, in pursuance of delegation of legislative powers so that the Committee could scrutinize them (paragraph 6).

3. Rules 195 and 202 of the Assembly Rules should suitably be amended so as to include regulations made under proviso to clause (3) of Article 320 of the Constitution also within scope of the scrutiny of the Committee (paragraph 8).

4. The Executive will hereafter place all the rules framed in pursuance of delegation of legislative powers on the table of the House *without fail* (paragraph 9).

5. Whenever a rule is amended and the amendment of the rule is placed on the table of the House, the respective original rule and the rule as amended should be printed side by side and placed as Annexure as is being done in the case of amending Bill (paragraph 11).

6. There should be uniformity in the provisions of the Acts delegating legislative powers (paragraph 10).

7. In the case of Bills involving proposals for the delegation of powers, a memorandum explaining such proposals and drawing attention to their scope, should be printed along with the Bill itself (paragraph 12).

8. All rules framed or amendments issued should be serially numbered and published in the Official Gazette (paragraph 13).

9. Whenever rules or amendments to rules are sent to the Controller of Stationery and Printing for publication in the Official Gazette a copy of such rules or amendments, as the case may be, should be sent simultaneously to the Legislature Secretariat (paragraph 13).

10. If rules framed in pursuance of delegation of legislative powers are not placed on the table of the House within a month of their publication, the delay should be considered as unjustifiable (paragraph 14).

11. Care should be taken by the departments concerned that, whenever rules were given retrospective effect, the date prescribed therein should be so fixed as to enable the persons concerned to comply with them (paragraph 15).